

8

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/657,585	FRAENKEL, DAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Cam N. Nguyen	1754	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment/response filed on 06/22/06 & a telephone com. on 09/14/06.
2. ☒ The allowed claim(s) is/are 1-11, 13-20, 32, 34-35, 37-38, 42-49, 51-69, 71, & 74-96 (which have been renumbered 1-75).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date <u>09/14/06</u>.</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
|---|---|

*Cam N. Nguyen*  
CAM N. NGUYEN  
PRIMARY EXAMINER

AU-1754

9/14/06

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney/Agent *Mr. Beatrice Ortego* on *September 14, 2006*.

The application has been amended as follows:

#### In the Claim

Claim 1, line 12 (or second to the last line), "essentially" has been deleted.

Claim 32, last line, "essentially" has been deleted.

Claim 49, line 11, "essentially" has been deleted.

Claim 63, line 15, "essentially" has been deleted.

Claim 88, line 1, "process" has been changed to --catalyst--.

Claim 89, line 1, "process" has been changed to --catalyst--.

Claim 90, line 1, "process" has been changed to --catalyst--.

#### Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

As concern with the independent claim 1, the prior art does not teach a method of making a catalyst support, which requires creating a surface coverage of an oxide of at least one rare-

Art Unit: 1754

earth metal coating the alumina support at least partially at the surface coverage thickness of between about 0.2 nm to about 0.5 nm.

As concern with the independent claims 32 & 63, the prior art does not teach a catalyst comprising cobalt metal having an average crystallite size of between about 5 nm and about 20 nm in combination with the requirement of a rare-earth metal oxide modified catalyst support having a surface coverage comprising an oxide of at least one rare-earth metal coating the alumina support at least partially.

As concern with the independent claim 49, the prior art does not teach a method of making a catalyst requiring "a rare-earth metal oxide modified catalyst support, having a surface coverage comprising an oxide of at least one rare-earth metal coating the alumina support at least partially" and in combination with the step of "embedding the reduced catalyst in oil or solid hydrocarbon".

There is no motivation to combine the teachings of the references together.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

3. Claims 1-11, 13-20, 32, 34-35, 37-38, 42-49, 51-69, 71, & 74-96 are pending. Claims 1-11, 13-20, 32, 34-35, 37-38, 42-49, 51-69, 71, & 74-96 are allowed.

Art Unit: 1754

**Contacts**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Cam N Nguyen, whose telephone number is 571-272-1357. The examiner can normally be reached on M-F, 9:00 AM - 6:30 PM, at alternative work site.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cam N. Nguyen/

Nguyen/cnn

Primary Examiner

September 14, 2006

Art Unit: 1754